

TO: John P. Bohenko, City Manager
FROM: Joan M. Long, Planning Department
RE: Actions taken by the Portsmouth Board of Adjustment meeting held on **July 16, 2002** in the Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire
PRESENT: Chairman, Jack Blalock, Vice-Chairman, Charles LeBlanc, Jim Horrigan, Nate Holloway, Alain Jousse, Chris Rogers, Bob Marchewka and alternate, David Witham

EXCUSED:

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I. Old Business

A) Voted to grant a Request for an Extension of Time for an additional one-year time period to expire on July 16, 2003 for property owned by Gary B. Dodds, owner, located at 525 Maplewood Avenue. Said property is shown on Assessor Plan 209 as Lot 85 and lies within the General Residence A district.

B) Voted to deny the petition of Victoria Smith and Robert Bowser, owners, for property located at 692 State Street wherein the following are requested: 1) a Variance from Article II, Section 10-206 to allow a dwelling unit in an accessory structure (garage) for a total of two dwelling units on the lot, and 2) a Variance from Article III, Section 10-302(A) to allow: a) two dwelling units on a 4,644 sf lot where 7,000 sf of lot area is required, b) a 2' rear yard where 20' is the minimum required, c) a 1' left side yard where 10' is the minimum required; and, d) 43% building coverage where 35% is the maximum allowed. Said property is shown on Assessor Plan 137 as Lot 6 and lies within the Apartment district. Case # 6-1 This application was tabled at the June 18, 2002 meeting to the July 16, 2002 meeting.

C) Voted to grant the petition of Richard C. S. and Linda H. Harding Jr., owners with the stipulation that only one (1) tenant be allowed to rent the dwelling unit and the commercial space at the same time for property located at 1808 Islington Street wherein a Variance from Article II, Section 10-206 is requested to allow a second dwelling unit in the barn attached to the single family dwelling in a district that only allows one dwelling unit on a lot. Said property is shown on Assessor Plan 241 as Lot 15 and lies within the Single Residence B district. Case # 6-12 This application was tabled at the June 18, 2002 meeting to the July 16, 2002 meeting.

D) Voted to accept letter of withdrawal for the petition of Portsmouth Associates, LLC, owner, for property located at 1465 Woodbury Avenue wherein the following are requested for the relocation of the brick school house building to the right side of the lot: 1) a Variance from Article III, Section 10-304(A) to allow the brick school house building to have a 14' front yard where 70' is the minimum required, and, 2) a Variance from Article XII, Section 10-1201(A)(3)(e)(2) to allow parking and maneuvering isles be located within 18' of the front property line where a 40' setback with landscaping is required. Said property is shown on Assessor Plan 216 as Lot 3 and lies within the General Business district. Case # 6-15 This application was tabled at the June 18, 2002 meeting to the July 16, 2002 meeting.

II. Public Hearings

1) Voted to **deny** the petition of Catherine Irvine, owner for property located at 300 Court Street for an appeal of a decision of the Historic District Commission concerning the denial of a Certificate of Appropriateness for the construction of a two story porch at the rear of the existing building.

However, the Board **granted** a Variance from Article III, Section 10-303(A) to allow a 10' x 34' two story porch with: a) a 6' rear yard where 15' is the minimum required, and b) 42.4% building coverage where 40% is the maximum allowed. Said property is shown on Assessor Plan 108 as Lot 12 and lies within the Mixed Residential Office and Historic A districts. Case # 7-1

2) Voted to **table** the petition of Portsmouth Associates, LLC, owner to allow the property owner and the tenant, Demoulas an opportunity to meet concerning the terms of the lease between both parties, for property located at 1465 Woodbury Avenue to the next scheduled meeting on **August 20, 2002** wherein a Variance from Article III, Section 10-304(A) is requested for the relocation of the brick school house building to the right side of the lot with a 32' front yard where 70' is the minimum required. Said property is shown on Assessor Plan 216 as Lot 3 and lies within the General Business district. Case # 6-15

3) Voted to **grant** the petition of Sharon R. Gross Revocable Trust, owner, for property located at 201 Cate Street wherein the following are requested: 1) a Variance from Article III, Section 10-302(A) to allow a two story building (24' x 50' and 6' x 46') with an 8' rear yard where 20' is the minimum required, 2) a Special Exception as allowed in Article IV, Section 10-401(A)(1)(d) to allow the auto repair facility to be changed to a hair salon with a tanning booth on the first floor of the new building. Said property is shown on Assessor Plan 163 as Lot 32 and lies within the General Residence A district. Case # 7-2

4) Voted to **grant** the petition of Clear Channel Broadcasting, Inc., owner, and Omnipoint Holdings, Inc., applicant, for property located at 815 Lafayette Road wherein a Special Exception as allowed in Article II, Section 10-208(51) is requested to allow one set of six 72" antennas at a centerline height of 216' on the existing 497' tower. Said property is shown on Assessor Plan 245 as Lot 3 and lies within the General Business district. Case # 7-3

5) Voted to **grant** the petition of Whaleback LLC, owner, for property located at 96-98 State Street for a Variance from Article III, Section 10-304(B) to allow a 15' high one story addition to the rear of the existing building where the minimum height required is 20'; however, the Board **denied** a Variance from Article XII, Sections 10-1204 and 10-1201(5) to allow a reduction in the required parking from 56 parking spaces to 37 parking spaces. Said property is shown on Assessor Plan 107 as Lot 52 and lies within the Central Business B and Historic A districts. Case # 7-5

6) Voted to **accept a letter of withdrawal** for the petition of Wentworth Gardner, owner, for property located at 49-51 Mechanic Street wherein a Variance from Article II, Section 10-206(29)(b) is requested to allow a weekly concert series including amplified sound on Tuesdays from 6:00 PM to 8:00 PM, and other weekly events and displays including acoustic music sessions, band concerts, classical music, group singing, dance demonstrations or small barn dances located in the yard between the buildings. Said property is shown on Assessor Plan 103 as Lot 41 and lies within the General Residence B and Historic A districts. Case # 7-6

7) Voted to **grant** the petition of Lyle S. and Tanja Gravelle, owners, for property located at 20 Woodworth Avenue wherein a Variance from Article III, Section 10-302(A) is requested to allow: a) a 16' x 22' one story addition with a 24'6" rear yard where 30' is the minimum required, and b) an 8' x 16'6" two story addition with a 23' front yard where 30' is the minimum required. Said property is shown on Assessor Plan 232 as Lot 78 & 79 combined and lies within the Single Residence B district. Case # 7-7

8) Voted to **grant** the petition of James R. Kilcoyne, owner, for property located at 67 Gates Street wherein a Variance from Article III, Section 10-302(A) is requested to allow a 10'6" x 12'1" one story addition with: a) an 8' left side yard where 10' is the minimum required, and b) 39% building coverage where 30% is the maximum allowed. Said property is shown on Assessor Plan 103 as Lot 91 and lies within the General Residence B and Historic A districts. Case # 7-8 This application was tabled at the June 18, 2002 meeting to the July 16, 2002 meeting.

9) Voted to **grant** the petition of John L. Rogonese and Lynda C. Schmidt, owners, for property located at 74 Cabot Street wherein a Variance from Article III, Section 10-302(A) is requested to allow an irregular shaped deck (12' x 18', 5' x 18', 6' x 5') and an 8' x 12' porch with: a) a 2' left side yard for the deck where 10' is the minimum required, and b) to allow 47% building coverage where 35% building coverage is the maximum allowed. Said property is shown on Assessor Plan 135 as Lot 57 and lies within the Apartment district. Case # 7-9

III. ADJOURNMENT

Voted to adjourn the meeting at 10:45 p.m. and will meet at the next scheduled meeting on August 20, 2002 in the City Council Chambers at 7:00 p.m.

Respectfully submitted,

Joan M. Long
Secretary

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